ABELMANN PETERSON ROLLINS LLLC

LARS PETERSON 8604
OFIR RAVIV 10413
677 Ala Moana Blvd. Ste. 1009, Honolulu, Hawaii 96813
Tel 808.589.1010 \ Fax 888.797.7471
lars@abelmannlaw.com | ofir@abelmannlaw.com

Attorneys for Debtors TIMOTHY RANDOLPH WAUGH

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF HAWAII

In re: TIMOTHY RANDOLPH WAUGH and RONNETTE MEI LIN LAN WAUGH, Debtors.	Case No. 97-01765 (Chapter 7) MOTION TO DIVIDE DEBTORS' CASES AND TO ASSIGN NEW CASE NUMBER TO DEBTOR'S CASE; EXHIBIT A.

MOTION TO DIVIDE DEBTORS' CASES AND
TO ASSIGN NEW CASE NUMBER TO DEBTOR'S CASE.

Debtor TIMOTHY RANDOLPH WAUGH, through counsel, respectfully moves this Court for an Order: 1) dividing this case into two cases; and 2) assigning a new case number to Debtor's case.

In support of these motions, the Debtors states as follows:

1. Debtors filed a joint petition under Chapter 7 in the within matter on June 3, 1997. Dkt#1.

2. Debtors received a discharge and the case was closed on September 30, 1997. Dkt#8.

3. Debtor TIMOTHY WAUGH retained Abelmann Peterson Rollins LLLC as counsel to represent him concerning the administrative reopening of this case for the purpose of disclosing a previously unknown asset. The claim relates back to the time when Debtor was a minor and only recently became possible, when the Hawaii Legislature extended the statute of limitations for actions such as this one ("Personal Injury Claim" or "PI Claim"). Debtor retained counsel for the PI Claim and said counsel referred Debtor to this law firm.

4. The PI Claim is solely in Debtor's name and not in Joint Debtor Ronnette Chu, fka Ronnette Waugh's name.

5. On February 25, 2013, Debtor and Joint Debtor's divorce became final.

6. On March 15, 2017, Debtor's counsel filed a motion to reopen this case on behalf of the Debtor and indicating representation of Debtor only. Dkt#10.

7. On April 25, 2017, Barbara L. Franklin, Esq., filed a Notice of Appearance as Joint Debtor's counsel. Dkt#25.

8. When filing their petition in 1997, Debtor and Joint Debtor filed a *pro*

se chapter 7 petition. Dkt#1, p.1. The petition was filed under "Timothy Randolph Waugh, Debtor" and "Ronnette Mei Lin Lan Waugh, dba A Sole Proprietorshi [sic] Fantastic Sam'S [sic], Joint Debtor." *Id*.

9. Debtor and Joint Debtor used the assistance of former bankruptcy attorney Dawn Smith, who acted as a "bankruptcy petition preparer." Dkt#1, p. 22 of 29 (SOFA #9).

10. In Schedules E and F, Ms. Smith listed all creditors as joint creditors of the debtors, which was incorrect. Only 2 of the creditors (Nos. 19 – Merchants Association of Florida & 23 – St Joseph Elementary), were true joint creditors. Debtor Tim Waugh will list those in his Amended Schedules so their claims can be properly administered. All other creditors were creditors for which the Joint Debtor was solely responsible as they relate to Joint Debtor's 2 failed Fantastic Sam's franchises. *See* Dkt#1, pp. 10-14 and attached Exhibit A, Professional and Vocational Licensing, DCCA search results confirming that Joint Debtor Ronnette Chu was the sole owner of both the Fantastic Sam's franchises in Hilo and in Kailua-Kona.

11. Given that Debtor and Joint Debtor are divorced, only Debtor is entitled to any awards stemming from the PI Claim, only creditors to which Debtor was obligated at the time of filing are entitled to partake in a possible distribution

of funds, and the fact that with the exception of 2 creditors, all other creditors were creditors of the Joint Debtor and her 2 failed Fantastic Sam's franchises, dividing the cases is proper and permits much simpler administration of Debtor's case. In addition, Joint Debtor has no basis to reopen her case, it remains closed, and her debts remain discharged.

WHEREFORE, the Debtor respectfully requests that this Honorable Court:

A. Divide this case into two separate cases;

B. Open a separate case for Debtor TIMOTHY RANDOLPH WAUGH and assign a new case number; and

C. Grant such other relief as it deems proper.

DATED: Honolulu, Hawaii, April 27, 2017.

ABELMANN PETERSON ROLLINS LLLC

/s/Lars Peterson
LARS PETERSON
OFIR RAVIV
Attorneys for Debtor TIMOTHY RANDOLPH WAUGH

EXHIBIT “A”

Professional & Vocational Licensing Search

Department of Commerce & Consumer Affairs

General Licensee

License ID:	Active/Inactive:	Status	Expire Date:
BSH-2854	ACTIVE	TERMINATED; NEEDS TO REAPPLY	12/31/1995
Legal License Name:	**Trade/Professional Name:**	**Entity:**	**Original License Date:**
RONNETTE M CHU	--	INDIVIDUAL	12/19/1994
Class Prefix:	**Special Privilege:**	**Restriction:**	**Education Code:**
--	--	--	--
Business Code	**Conditions & Limitations:**	**Business Address:**	
SOLE OWNER	--	200 KANOELEHUA AVE #103 HILO HI 96720	

License information on this site reflects information in the Professional and Vocational Licensing Division as of April 25, 2017; however, applications and forms are subject to standard processing time, and the information here does not reflect pending changes which are being reviewed. The site is updated daily, Monday through Friday, except holidays.

The State of Hawaii makes no guarantees as to the accuracy of the information accessed, the timeliness of the delivery of transactions, delivery to the correct party, preservation of the privacy and security of users and makes no warranties, including warranty of merchantability and fitness for a particular purpose. The DCCA/PVL web site receives the DCCA/PVL licensee information directly from the DCCA/PVL licensee database. The DCCA/PVL web site is considered a primary source for DCCA/PVL licensee information – it is the same licensee information the DCCA/PVL provides through other means and is true and correct to the best of our knowledge. User is advised that if the information obtained herein is to be reasonably relied upon, user should confirm the accuracy of such information with the provider thereof.

Other Business/Person Names

Name	Effective Date	Termination Date
RONNETTE M L L C WAUGH	4/15/1992	4/24/2013
RONNETTE M L L CHU	9/24/1990	4/15/1992

Showing 1 to 2 of 2 entries

1

Other Trade Names and DBA's

Name	Effective Date	Termination Date
FANTASTIC SAM'S - HILO	12/19/1994	1/1/1996

Showing 1 to 1 of 1 entries

1

Employees List

EMPLOYEES

Position	Position Status	Employee Name	Lic ID	Lic Status	Dual Rme	Effective
No data available in table						

Showing 0 to 0 of 0 entries

Employers List

EMPLOYERS

Position	Employer Name	Lic ID	Lic Status	Effective
No data available in table				

Showing 0 to 0 of 0 entries

Insurance / Bond

Insurance / Bond

Insurance Type	Effective	Term Date	Cancel Date	Policy #	Surety	Amount
No data available in table						

Showing 0 to 0 of 0 entries

★ License Class

License Classes

Class Code	Class Type	Effective	Restricted	Status
No data available in table				

Showing 0 to 0 of 0 entries

Back to Results   New Search (/pvlsearch)

Search RICO Complaints History (http://web.dcca.hawaii.gov/RICO)

Professional & Vocational Licensing

Department of Commerce & Consumer Affairs

Accessibility (http://portal.ehawaii.gov/accessibility.html)   Contact (https://portal.ehawaii.gov/page/about-us/)   Feedback (http://portal.ehawaii.gov/feedback.html?applicationId=5)   Privacy Policy (http://portal.ehawaii.gov/privacy-policy.html)   Terms of Use (http://portal.ehawaii.gov/terms-of-use.html)

Copyright © 2013

State of Hawai'i. All rights reserved.

Powered by HIC (Hawaii Information Consortium) (http://hic.ehawaii.gov)

Professional & Vocational Licensing Search

Department of Commerce & Consumer Affairs

General Licensee

License ID:	Active/Inactive:	Status	Expire Date:
BSH-2795	ACTIVE	TERMINATED; NEEDS TO REAPPLY	12/31/1995
Legal License Name:	**Trade/Professional Name:**	**Entity:**	**Original License Date:**
RONNETTE M CHU	--	INDIVIDUAL	6/7/1994
Class Prefix:	**Special Privilege:**	**Restriction:**	**Education Code:**
--	--	--	--
Business Code	**Conditions & Limitations:**	**Business Address:**	
SOLE OWNER	--	KONA COAST SHOPPING CENTER 74-5588 PALANI RD KAILUA-KONA HI 96740	

License information on this site reflects information in the Professional and Vocational Licensing Division as of April 25, 2017; however, applications and forms are subject to standard processing time, and the information here does not reflect pending changes which are being reviewed. The site is updated daily, Monday through Friday, except holidays.

The State of Hawaii makes no guarantees as to the accuracy of the information accessed, the timeliness of the delivery of transactions, delivery to the correct party, preservation of the privacy and security of users and makes no warranties, including warranty of merchantability and fitness for a particular purpose. The DCCA/PVL web site receives the DCCA/PVL licensee information directly from the DCCA/PVL licensee database. The DCCA/PVL web site is considered a primary source for DCCA/PVL licensee information – it is the same licensee information the DCCA/PVL provides through other means and is true and correct to the best of our knowledge. User is advised that if the information obtained herein is to be reasonably relied upon, user should confirm the accuracy of such information with the provider thereof.

Other Business/Person Names

Name	Effective Date	Termination Date
RONNETTE M L L C WAUGH	4/15/1992	4/24/2013
RONNETTE M L L CHU	9/24/1990	4/15/1992

Showing 1 to 2 of 2 entries

1

Other Trade Names and DBA's

Name	Effective Date	Termination Date
FANTASTIC SAM'S KAILUA-KONA	6/7/1994	1/1/1996

Showing 1 to 1 of 1 entries

1

Employees List

Employers List

EMPLOYERS

Position	Employer Name	Lic ID	Lic Status	Effective
No data available in table				

Showing 0 to 0 of 0 entries

Insurance / Bond

Insurance / Bond

Insurance Type	Effective	Term Date	Cancel Date	Policy #	Surety	Amount
No data available in table						

Showing 0 to 0 of 0 entries

★ License Class

License Classes

Class Code	Class Type	Effective	Restricted	Status
No data available in table				

Showing 0 to 0 of 0 entries

Back to Results   New Search (/pvlsearch)

Search RICO Complaints History (http://web.dcca.hawaii.gov/RICO)

Professional & Vocational Licensing

Department of Commerce & Consumer Affairs

Accessibility (http://portal.ehawaii.gov/accessibility.html)   Contact (https://portal.ehawaii.gov/page/about-us/)   Feedback (http://portal.ehawaii.gov/feedback.html?applicationId=5)   Privacy Policy (http://portal.ehawaii.gov/privacy-policy.html)   Terms of Use (http://portal.ehawaii.gov/terms-of-use.html)

Copyright © 2013

State of Hawai'i. All rights reserved.

Powered by HIC (Hawaii Information Consortium) (http://hic.ehawaii.gov)